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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,253	04/22/2004	Christophe Walravens	10458-20US SC/sm	7273
20988	7590	08/29/2007		
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			EXAMINER BOES, TERENCE	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/829,253

Applicant(s)

WALRAVENS ET AL.

Examiner

Terence Boes

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Request for Continued Examination**

1. The request filed on 06/20/2007 for a Continued Examination (RCE) is accepted and a continued prosecution application has been established. An action on the RCE follows.

### ***Drawings***

2. The drawings are objected to because of the minor informalities listed on attached PTO 948. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 6 and 8 are objected to for depending from cancelled claimed 3. For the purpose of examination claims 6 and 8 are each assumed to depend from claim 1.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6, 8-12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 8 depend from cancelled claim 3 rendering the claims indefinite. It is unclear as to which claims 6 and 8 depend from.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Manaras et al. CA 2,112,350.

Manaras et al. disclose:

- A support structure (34, 34') supporting a shaft (18, 18')
- A driving member (20, 20') mounted to said shaft and axially displaceable

Art Unit: 3682

- wherein the driving member is operatively coupled to the closure (see abstract),
- a manual actuator (36, 36') fixedly mounted to the shaft in direct rotational driving engagement therewith (see figure 6 arrows showing pulley rotating with shaft)
- wherein said manual actuator is selectively fixedly mountable at either end portions of said shaft (36 is capable of being selectively fixedly mounted at either end portions of said shaft)
- wherein said manual actuator is structurally isolated from said driving member (see figure 6)
- wherein said manual actuator includes a pulley (36 is a pulley) fixed to said shaft
- a biasing member (see spring between 34, 34' and 14, 14')
- wherein said biasing member includes a spring mounted about the shaft between the support and a collar (14) fixed on the shaft
- a cam engaging member (42)
- said cam engaging member being movable along a cam surface (54)
- wherein said cam is mounted to said shaft (see figures 1, 4, and 6)
- a clutch (28, 30, 20, 74, also pages 8-9 describe clutch operation)
- the cam being fixed to the shaft (see figure 3, pg 8/l 20, 21).
- wherein said clutch includes a spring blade (30) extending about the cam (spring blade is proximate cam)

Art Unit: 3682

- wherein said driving member includes a gear (20) fixedly mounted to said shaft
- wherein said cam engaging member is mounted to said gear (42 is mounted to gear 20 via shaft 18)
- wherein the shaft is mounted to a support (shaft is mounted to support 34 via pulley 36)
- wherein said shaft carries a cam ( ) and a cam engaging member (42),

Regarding claims 15 and 16,

- a support (34),
- a shaft mounted to said support (18 is mounted to 34 via 36)
- a driving member (20) mounted to said shaft
- wherein the driving member is operatively coupled to the closure (see abstract)
- a manual actuator (36) connected in direct driving relationship with the shaft (Pg 8/L34-36)
- a cam (44) and a cam engaging member (42)
- one of said cam and said cam engaging member being fixed to the shaft (see figure 3)
- a clutch (28, 30, 20, 74, also pages 8-9 describe clutch operation)
- wherein said cam and said cam engaging member are mounted to said shaft independently of said manual actuator (see figure 4).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 2, 5-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB  
TB  
8/22/07

  
RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER